

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

DANIEL W. PHOENIX,

Plaintiff,

v.

Civil Action No. 3:23cv356

HAROLD CLARKE, et al.,

Defendants.

MEMORANDUM OPINION

On July 2, 2024, Defendants Amonette, Clarke, Herrick and Oates filed an answer. (ECF No. 30.) On July 19, 2024, the Court received Plaintiff's Motion to Voluntarily Dismiss Action. (ECF No. 32.) Because Defendants filed an answer, the motion is governed by Fed. R. Civ. P. 41(a)(2). Generally, a plaintiff's motion for dismissal without prejudice should not be denied absent substantial prejudice to Defendants. *See Andes v. Versant Corp.*, 788 F.2d 1033, 1036 (4th Cir. 1986). Defendants have not opposed Plaintiff's Motion to Dismiss, and the Court finds that Defendants will not be substantially prejudiced. Therefore, Plaintiff's Motion to Voluntarily Dismiss Action, (ECF No. 32), will be GRANTED. Accordingly, the action will be DISMISSED WITHOUT PREJUDICE.

An appropriate Order shall issue.

Date: 8/20/2024
Richmond, Virginia

/s/ MHL
M. Hannah Lauck
United States District Judge